

RECEIVED
CENTRAL FAX CENTER

REMARKS

DEC 15 2006

Claims 42-65 are pending. Claims 1-41 were canceled without prejudice. Claim 50 has been amended to correct a minor typographical error. Applicant respectfully requests reconsideration of the pending claims in view of the following.

Rejection under 35 U.S.C. § 102(e)

In the Office Action dated September 27, 2006, claims 42-65 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0035527 ("Baker"). Applicant respectfully requests reconsideration of the rejection.

Anticipation of a claim requires a showing that each and every limitation of the claim is found in a single prior art reference. MPEP § 2131, citing *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 827 (1987). Furthermore, to anticipate a claim, "a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter." *PPG Indus. v. Guardian Indus. Corp.*, 75 F.3d 1558, 1566 (Fed. Cir. 1996), *aff'd, reh'g denied, reh'g en banc denied*, 156 F.3d 1351 (Fed. Cir. 1998). Court decisions applying this standard are legion.

Independent claim 42 is directed to an endpoint comprising, among other things, "a CPU," "a telephone line interface for coupling said conference endpoint to a telephone line," and "a network interface for coupling said conference endpoint to a computer network." Such an endpoint, however, is not disclosed by Baker. Telephones 10A, 10B, and 10C of Fig. 1A were cited as showing the claimed telephone interface, and Fig. 1A was cited as showing the claimed network interface. Telephones 10A, 10B, and 10C as illustrated in Fig. 1A do not, however, include both a telephone line interface and a network interface, as recited in claim 42. Rather, telephones 10A, 10B, and 10C have

only one interface. (See Fig. 1A and paragraph [0004] (“multiple parties are remotely coupled via the telephone network.”))

Moreover, element 202 of the conference call server 135 (see Figs. 3 and 4) was cited as disclosing the claimed CPU. Thus, the cited elements of Baker are found in different devices rather than in one endpoint. In addition, Baker’s conference call server 135 cannot be the endpoint of claim 42 because it does not and cannot include at least the following limitation: “a data conference initiation module ... for transmitting a data conference initiation request to a conference server” (i.e., itself) “over said computer network.” Furthermore, Baker fails to teach “a data conference initiation module ... for receiving a data conference code generated by said conference server, and for responsively transmitting over said telephone line a data conference invitation to said remote device, said conference invitation including information representative of said data conference code.” Applicant’s undersigned representative cannot find any reference to a data conference code in the cited reference.

Thus, Baker does not disclose an endpoint that meets each and every limitation of claim 42. Inasmuch as the strict standard of anticipation under 35 U.S.C. § 102 has not been met, the rejection of claim 42 (and claims 43-49 which depend therefrom) must therefore be withdrawn.

Independent claims 50 and 53 appear to have been rejected under the same basis that was provided with respect to the rejection of independent claims 42-49, and independent claims 58, 59, and 60 appear to have been rejected under the same basis that was provided with respect to the rejection of independent claim 42. To the extent Applicant’s reasons for overcoming the rejection of claim 42 (and all claims depending therefrom) are applicable to claims 50, 53, 58, 59, and 60, they are already provided above and will not be repeated here for the sake of brevity.

In addition, Applicant respectfully submits that Baker fails to disclose each and every limitation of independent claim 50, namely, at least the following: “receiving from

the conference server a unique data conference code corresponding to said data conference initiation request,” “generating an audio signal representative of said conference code,” and “transmitting said audio signal to said at least one remote conference endpoint over said telephone network.” Indeed, Applicant’s undersigned representative cannot find any reference to an audio signal representative of a conference code in the cited reference. Accordingly, Applicant respectfully submits that independent claim 50 is allowable over the cited reference. Dependent claims 51-52 are also allowable over the cited reference for at least this reason.

In a similar vein, Baker fails to disclose each and every limitation of independent claim 53, namely, at least the following: “generating a conference code in response to said conference initiation request” and “transmitting said conference code to said conference endpoint over the computer network.” Accordingly, Applicant respectfully submits that independent claim 53 is allowable over the cited reference. Dependent claims 54-57 are also allowable over the cited reference for at least this reason.

Furthermore, Baker fails to disclose each and every limitation of independent claim 58, namely, at least the following: “receiving a conference code from said conference server over said computer network in response to said data conference initiation request,” “generating an audio signal representative of said conference code,” and “transmitting said audio signal to at least one conference endpoint over a telephone line.” Accordingly, Applicant respectfully submits that independent claim 58 is allowable over the cited reference.

Additionally, Baker fails to disclose each and every limitation of independent claim 59, namely, at least the following: “receiving an audio signal representative of a conference code from at least one conference endpoint over a telephone line” and “transmitting a data conference join request including said conference code to a conference server over a computer network in response to receiving said audio signal.” Accordingly, Applicant respectfully submits that independent claim 59 is allowable over the cited reference.

Finally, Baker also fails to disclose each and every limitation of independent claim 60, namely, at least the following: "a data conference initiation module ... configured to receive over said telephone line interface from a remote conference endpoint a data conference invitation including information representative of a data conference code and further configured to transmit a data conference join request to a conference server over said computer network in response to the received conference invitation." Accordingly, Applicant respectfully submits that independent claim 60 is allowable over the cited reference. Dependent claims 61-65 are also allowable over the cited reference for at least this reason.

In view of the above, Applicant respectfully submits that all pending claims are allowable over the cited art. Applicant respectfully requests that a Notice of Allowance issue at the earliest possible opportunity. If the Examiner has any questions or issues that can be resolved via telephone, the Examiner is requested to contact the undersigned attorney at 512-473-2550.

Respectfully submitted,



H. Lisa Koh, Reg. No. 43,725

CUSTOMER NO. 29855
Wong, Cabello, Lutsch,
Rutherford & Brucculeri, L.L.P.
20333 SH 249, Suite 600
Houston, Texas 77070
832-446-2400 (phone)
832-446-2424 (fax)